

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

THOMAS SHOUN HUNTER,

Defendant-Appellant.

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UNPUBLISHED

July 12, 2005

No. 252507

Wayne Circuit Court

LC No. 03-002870-01

Before: Cooper, P.J., and Fort Hood and R. S. Gribbs\*, JJ.

PER CURIAM.

Defendant appeals as of right his convictions of felon in possession of a firearm, MCL 750.224f(1), and possession of a firearm during the commission of a felony, MCL 750.227b, entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was found in possession of crack cocaine in a residence at which police executed a search warrant. The police discovered a fully loaded rifle under a window and behind a sofa in the living room.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in a light most favorable to the prosecution, and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. The trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *People v Petrella*, 424 Mich 221, 268-270, 275; 380 NW2d 11 (1985); *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

A person convicted of a felony may not possess a firearm in Michigan. MCL 750.224f(1). The elements of felony-firearm are: (1) the possession of a firearm; (2) during the commission of, or the attempt to commit, a felony. MCL 750.227b. A person has “possession” of a firearm if the firearm is accessible and available during the commission of or the attempt to commit a felony. *People v Williams (After Remand)*, 198 Mich App 537, 541; 499 NW2d 404 (1993).

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

Defendant argues that his convictions of felon in possession of a firearm and felony-firearm must be reversed because the evidence was insufficient to show that he possessed the weapon found in the residence.<sup>1</sup> We disagree and affirm. Possession of a weapon may be actual or constructive, and may be proved by circumstantial evidence. A defendant has constructive possession of a firearm if the location of the weapon is known and it is reasonably accessible to the defendant. *People v Hill*, 433 Mich 464, 469-471; 446 NW2d 140 (1989). The evidence that the weapon was located under a window in the living room and behind a sofa positioned four to five feet from the wall supported an inference that the weapon would be readily accessible to a person standing behind the sofa and looking out the window. When the police entered the residence, defendant, the sole occupant of the residence, was observed running from the living room into the kitchen. The direct and circumstantial evidence supported an inference that defendant knew the location of the weapon, and that it was readily accessible to him. *Id.* The evidence, viewed in a light most favorable to the prosecution, was sufficient to support defendant's convictions of felon in possession of a firearm and felony-firearm. *Petrella, supra.*

Affirmed.

/s/ Jessica R. Cooper  
/s/ Karen M. Fort Hood  
/s/ Roman S. Gribbs

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<sup>1</sup> Defendant does not challenge his conviction of possession of less than twenty-five grams of cocaine, MCL 333.7303(2)(a)(v).